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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/760,563

01/20/2004

Jeroen Valensa

00655-1213US

1065

23409 7590 03/20/2008  
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EXAMINER

RAHIM, AZIM

ART UNIT

PAPER NUMBER

3744

MAIL DATE

DELIVERY MODE

03/20/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/760,563	<b>Applicant(s)</b> VALENSA ET AL.	
	<b>Examiner</b> AZIM RAHIM	<b>Art Unit</b> 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valensa et al. (US 7,069,981) in view of Burch et al. (US 2003/0129108).

Regarding claims 1, 6 and 10, Valensa et al. disclose a reformat cooling system (figs. 1-3) for reducing the temperature of a reformat to within a desired temperature range for use in a fuel processing subsystem (see abstract), the fuel processing subsystem including a process water flow that supplies water to a fuel flow in the fuel processing subsystem (col. 1 line 37, water entering the system); the reformat cooling system comprising: at least one heat exchanger unit (30 or 50) to transfer heat from the reformat flow to a portion of a humidified air/methane mixture (col. 1 lines 41-47), the at least one heat exchanger including a coolant inlet (entrance 62), a coolant outlet (exit 64), a coolant flow path (flow path 56) to direct the portion of the humidified air/methane mixture from the coolant inlet to the coolant outlet (explicitly shown in fig. 3), a reformat inlet (entrance 68), a reformat outlet (exit 70), and a reformat flow path (flow path 58) to direct the reformat flow from the reformat inlet to the reformat outlet with a countercurrent flow relationship between the portion of the humidified air/methane mixture in the coolant flow path and reformat flow in the reformat flow path (explicitly shown in fig. 2), the heat exchanger having a sufficient effectiveness to fully vaporize the portion of the process water flow and bring the reformat flow and the portion of the humidified air/methane mixture toward a common exit temperature under normal operating conditions for the fuel processing subsystem (col. 7 lines 18-22); a valve (44) connected to the coolant inlet (via line 46) to control the flow rate of said portion of the humidified air/methane mixture to the coolant inlet (capable of relieving the pressure of the flow from "HUMID"); a temperature sensor (40) positioned to

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measure an outlet temperature of the reformat (col. 2 lines 19-20); a controller (PID controller 42) connected to the temperature sensor and responsive thereto to selectively control the portion of the humidified air/methane mixture via the valve to regulate the common exit temperature to a desired temperature range (col. 2 lines 18-29); and an active control loop (the connection of the temperature sensor 40 and valve 44 to PID controller 42) to control the flow rate of the portion of the humidified air/methane mixture through the heat exchanger to maintain the common exit temperature within the desired temperature range (col. 2 lines 18-29, where this system is capable of performing the above limitation). Also note that the system inherently performs the method of operating a reformat cooling system.

Valensa fails to teach the limitation of using a process water flow to exchange heat with a reformat in a heat exchanger, which is configured to fully vaporize the portion of the process water flow, the flow of both the reformat and the process water flow being in a concurrent flow relationship.

Burch et al. teach the limitation of using a process water flow to exchange heat with a reformat in a heat exchanger [0036 lines 4-5], which is configured to fully vaporize the portion of the process water flow [0036 lines 4-12].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the reformat cooling system of Valensa to include the use of a process water flow to exchange heat with a reformat in a heat exchanger as taught by Burch et al. in order to take advantage of the high latent energy of the water, thus providing a gradual change in temperature of the fluid being heat exchanged with the water, thus increasing efficiency.

Furthermore, the general concept of providing the flow of both the reformat and the process water flow being in a concurrent flow relationship falls within the realm of common knowledge as obvious mechanical expedient and is illustrated by Burch et al. which teaches the concept of exchanging heat between two fluids flowing in a concurrent relationship (illustrated in fig. 1 that heat exchanger 22 has two fluid flows entering on a same side and exiting on a same side), and one having ordinary skill in the art would have been motivated to include the use of the flow of both the reformat and the process water flow being in a concurrent flow relationship in order to prevent overcooling of the heat transfer fluid, thus increasing operating efficiency.

Regarding claim 2, Valensa et al. disclose wherein an auto-thermal reformer (26) receives the portion of the humidified air/methane mixture from the coolant outlet and mixes the portion of the process water flow with the fuel flow (col. 6 lines 11-16, in with humidified air/methane and out with reformat).

Regarding claim 3, Valensa et al. disclose wherein the temperature sensor (40) is positioned at the reformat outlet (explicitly shown in fig. 1).

Regarding claim 4, Valensa et al. disclose wherein the temperature sensor is positioned at the coolant outlet (col. 3 lines 42-49, where there would have to be a temperature sensor in order to compare the temperatures of both first and second fluid outlets).

Regarding claim 5, Valensa et al. disclose wherein the controller is electronically coupled to the temperature sensor (col. 2 lines 18-29).

Regarding claim 7, Valensa et al. disclose the step of adjusting the temperature range of the reformat exiting the first flow path in response to changes in catalytic activity in a hydrogen purification device receiving said reformat exiting the first flow path (col. 1 line 61 – col. 2 line 5, the catalytic activity in ATR 26).

Regarding claim 8, Valensa et al. disclose the step of recombining the portion of the process water flow with a remainder of the humidified air/methane mixture (fig. 1, where the line from “HUMID” splits into one line to heat exchanger 30 and line 46, each taking portions of the humidified air/methane mixture and recombining after the heat exchanger 30)..

Regarding claim 9, Valensa et al. disclose the step of transferring the recombined humidified air/methane mixture to an auto-thermal reformer (fig. 1, arrow to ATR 26)

Regarding claim 11, Valensa et al. disclose wherein the active control loop is a feedback control loop (the feedback of temperature sensor 40 and valve 44 to the PID controller 42, indicated by dotted line).

Regarding claim 12, Valensa et al. disclose wherein the active control loop includes a valve (44) to control the flow rate of the portion of the humidified air/methane mixture (explicitly shown in fig. 1).

Regarding claim 13, Valensa et al. disclose wherein the active control loop monitors the reformat outlet temperature (inherent due to the connection of the temperature sensor 40 and the PID controller 42).

Regarding claim 14, Valensa et al. disclose the coolant outlet being connected to an auto-thermal reformer (fig. 1, indicated by arrow from heat exchanger 30 to ATR 26).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azim Rahim whose telephone number is 571-270-1998. The examiner can normally be reached on Mon - Thu 8am - 4:30pm Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Jules can be reached at 571-272-6681 or Cheryl Tyler at 571-272-4834. The



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fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AR 3/13/2008

/Frantz F. Jules/

Supervisory Patent Examiner, Art Unit 3744